

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:

CHAPTER 13

KELLEY M. MILLER

Bkey. Case No. 17-12354-amc

Debtor.

ORDER

IT IS ORDERED that Debtor's Application to Reinstate Water Utility Service is
GRANTED.

BY THE COURT

Dated: _____, _____

MAGDELINE D. COLEMAN
Chief U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE:

CHAPTER 13

KELLEY M. MILLER

CASE NO.: 17-12354-mdc

Debtor,

-----X

**EMERGENCY APPLICATION AND REQUEST TO REINSTATE
DEBTORS WATER SUPPLY TO PROPERTY OF THE BANKRUPTCY ESTATE**

The application of debtor acting through counsel for the Movant in the above captioned matter.

1. Counsel reasons that this application has been filed in good faith in order to mitigate the significant and without notice a water shut-off which occurred on August 14, 2019 with respect to debtor's property located at 2209 Fuller Street, Philadelphia, PA 19152.

2. Debtor has made significant payments towards any alleged post-petition water bills; however, the City of Philadelphia erroneously has shut off her water and refuses to correct its billing.

11 U.S. Code § 366(a). Utility service provides in relevant part:

Except as provided in subsections (b) and (c) of this section, a utility may not alter, refuse, or discontinue service to, or discriminate against, the trustee or the debtor solely on the basis of the commencement of a case under this title or that a debt owed by the debtor to such utility for service rendered before the order for relief was not paid when due. 11 U.S. Code § 366(a).


3. As such, Section 366(a) of the Bankruptcy Code specifically addresses utilities, and provides that a "utility may not alter, refuse or discontinue service" to a debtor who files for

bankruptcy. In this matter, the City of Philadelphia erroneously has shut off debtor's water and refuses to correct its billing.

4. It is imperative that debtor have use of water for her health and well-being.

Wherefore, Debtor prays that your honor will grant this Motion and for such other relief as is just and proper.

Date: August 15, 2019



Robert Leite-Young, Esquire
Attorney debtor
1333 Christian Street
Philadelphia, PA 19147
267-565-8127

**IN THE UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

I hereby certify that the within Expedited Motion(s) was served upon all parties of interest by First Class Mail, unless served electronically, at the below address on August 15, 2019.

Pamela Elchert Thurmond, Esq.
Deputy City Solicitor
City of Philadelphia
Major Tax Litigation Division
1401 John F. Kennedy Blvd., 5th Floor
Philadelphia, PA 19102-1595
(electronically and email)

Chapter 13 Trustee William C. Miller, Esq.
1234 Market Street, 18th Flr
Philadelphia, PA 19104
(electronically and email)

Respectfully submitted,

Dated: August 15, 2019

s/ Robert Leite-Young
Robert Leite-Young, Esquire
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1333 Christian Street
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267-565-8127